

Application No. 10/509,912
Amendment dated December 21, 2007
Reply to Office Action of August 23, 2007

Docket No.: 0020-5301PUS1

REMARKS

Claim 7 has been cancelled without prejudice. Claims 1-6 and 8-19 are pending in the application and have been examined on the merits.

The Applicants hereby submit an Information Disclosure Statement Letter (IDS) including a copy of each foreign patent document and non-patent publication cited in the International Search Report in accordance with the request made by the Examiner. Copies of the cited references were not provided to the USPTO in the previous IDS filed on October 4, 2004 since they were listed on Form PTO SB/08 and since a concise explanation of the references was presented in the form of an English-language copy of a search report from a foreign patent office, issued in a counterpart application. In any event, the requested documents are being supplied herewith in a separate letter to advance the prosecution of the case.

The Examiner states that the application does not contain an Abstract of the Disclosure as required by 37 CFR 1.72(b). This statement is incorrect. An Abstract appears at the bottom of the face page of WO03/086471A2. Nevertheless, again in order to advance prosecution, an Abstract on a separate sheet is being supplied herewith.

The claims have been reviewed and amended in order to resolve all of the objections raised by the Examiner. Claim 7 has been cancelled thereby eliminating the improper multiple dependency.

Claims 1-6, 8, 10-13, 16 and 17 have been rejected under 35 USC 102(b) as being anticipated by Harada et al. (Journal of Controlled Release, 69, 2000, 399-412, cited in PTO 892). Claims 1, 9 and 14-19 have been rejected under 35 USC 103(a) as being unpatentable over Harada et al. in view of Wall et al. (USP 5,340,817) cited in PTO-892. Both of these rejections are respectfully traversed. Reconsideration and withdrawal thereof are requested.

Original claim 7 was not included in either prior art rejection. Accordingly, in order to expedite prosecution, and to place this case into condition for allowance, it is believed that the

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prior art rejections are obviated by merging original claim 7 into claim 1, as shown in newly amended claim 1. Thus, generic claims 1 and 16 recite the disclosed weight range. Having overcome the rejections in this manner, it is believed that the application is presently in condition for allowance. Favorable action to that end is requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Raymond C. Stewart Reg. No. 21,066 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: December 21, 2007

Respectfully submitted,

By


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Attachment: Abstract of the Disclosure